

EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

NEW YORK CITY ADMINISTRATION FOR CHILDREN'S
SERVICES
150 Williams Street, 6th Floor
New York, NY 10038

PERSON FILING CHARGE

Delano E. Connolly

THIS PERSON (check one or both)

☒ Claims To Be Aggrieved☐ Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

532-2014-01527

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

☒ Title VII of the Civil Rights Act (Title VII) ☐ The Equal Pay Act (EPA) ☐ The Americans with Disabilities Act (ADA)☒ The Age Discrimination in Employment Act (ADEA) ☐ The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. ☐ No action is required by you at this time.
2. ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.
3. ☒ Please provide by **14-MAY-15** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. ☐ Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. ☒ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **28-APR-15** to **Deanna R. Jackson, ADR Staff Mediator, at (216) 522-7415**.
If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Leona J. Smith,
Acting Intake Supervisor

EEOC Representative

Telephone (216) 522-7515

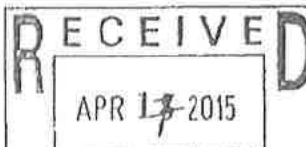
Cleveland Field Office
EEOC, AJC Fed Bldg
1240 E 9th St, Ste 3001
Cleveland, OH 44199
Fax: (216) 522-7395

Enclosure(s): ☒ Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☒ Race ☐ Color ☐ Sex ☐ Religion ☐ National Origin ☒ Age ☐ Disability ☒ Retaliation ☐ Genetic Information ☐ Other

See enclosed copy of charge of discrimination.



Date

April 14, 2015

Name / Title of Authorized Official

Connie Davis,
Acting Enforcement Manager

Signature

EEOC Form 5 (11/99)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2014-01527	
and EEOC			
State or Local Agency, if any			
Name (indicate Mr, Ms, Mrs) Mr. Delano E. Connolly		Home Phone (incl. Area Code) <div style="background-color: black; width: 100px; height: 1.2em;"></div>	Date of Birth <div style="background-color: black; width: 100px; height: 1.2em;"></div>
Street Address City, State and ZIP Code 304 Bay 14th Street, Brooklyn, NY 11214			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name NEW YORK CITY ADMINISTRATION FOR CHILDREN'S SERVICES		No. Employees, Members 500 or More	Phone No. (Include Area Code) (212) 788-2694
Street Address City, State and ZIP Code 150 Williams Street, 6th Floor, New York, NY 10038			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 07-05-2012 09-16-2014 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)) <p>I was employed by the above named employer (Respondent) on or about August 12, 1999, as an Attorney Intern and most recently held the position of Team Leader, Level 3 / Attorney. In or about June of 2012, I filed a Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC) against the above named employer (Charge Number: 520-2012-02571) and immediately informed my employer of such. Subsequent to my filing of the above mentioned Charge of Discrimination my employer has engaged in retaliatory acts and/or continued acts of disparate treatment. On or about May 14, 2014, the above named Respondent served me with disciplinary charges alleging misconduct, demoted me from my supervisory position as a Team Leader, placed me in a position as an ordinary staff attorney, and immediately assigned to me approximately 30 to 35 additional legal cases.</p> <p>On September 9, 2014, I was informed by my Supervising Attorney, Ian Sengenito, that Respondent had made the decision in a Step 2 Hearing to suspend me and that I was being suspended from my position as an attorney at for a period of sixty (60) days; such suspension to be without pay or benefits.</p> <p>I believe since contacting the EEOC regarding discrimination my employer has retaliated against me by continuing to subject me to further harassment, deny me assignment(s), deny me training, exclude me from work related functions,</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. <div style="text-align: center;"> <div style="border-bottom: 1px solid black; width: 150px; margin: 0 auto;"></div> <div style="margin-top: 5px;">9/16/14</div> </div> <div style="text-align: center; margin-top: 20px;"> <div style="border-bottom: 1px solid black; width: 150px; margin: 0 auto;"></div> <div style="margin-top: 5px;">Charging Party Signature</div> </div>		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <div style="text-align: center; margin-top: 20px;"> <div style="border-bottom: 1px solid black; width: 150px; margin: 0 auto;"></div> <div style="margin-top: 5px;">SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</div> <div style="margin-top: 5px;">(month, day, year)</div> </div>	

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2014-01527</p>
<p align="center">_____ State or local Agency, if any</p>	
<p>subject me to separate terms and conditions, subject me to demotion, discriminate against me and suspend me, in violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII). I believe that I was and continue to be subjected to separate terms/conditions and discriminated against in retaliation for engaging in protected activity due to my age, 47, in violation of the Age Discrimination in Employment Act of 1967, (ADEA), as amended.</p> <p>I believe my employer discriminated against me in violation of the Americans with Disabilities Act (ADA), as amended, when it demoted and suspended me because of disability. Further, I believe my employer retaliated against, in violation of the Americans with Disabilities Act (ADA), as amended, when I utilized Family Medical Leave Act (FMLA) approved leave and during the time I was on an approved medical leave/reasonable accommodation status pursuant to the Americans with Disabilities Act. Further, I believe my employer discriminated against me in violation of Title I of the Americans with Disabilities Act (ADA), as amended, due to disability and/or need for accommodation.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p><small>NOTARY - When necessary for State and Local Agency Requirements</small></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><u>9/16/14</u> Date</p> <p><u>[Signature]</u> Charging Party Signature</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT <u>[Signature]</u></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Cleveland Mediation Program

A.J. Celebrezze Federal Office Building
 1240 East 9th Street, Suite 3001
 Cleveland, Ohio 44199
 ADR Hotline (216) 522-7415
 TTY (216) 522-8441
 ADR FAX (216) 522-7389

Website: <http://www.eeoc.gov/mediate/index.html>

Mediation Choice Form

Charge No. & Case Name: 532-2014-01527 Connolly v. NYC Administ.

Please indicate your willingness to participate in the EEOC's Mediation Program. We offer this neutral, confidential, and popular alternative to both charging parties and respondents as an alternative to investigation (and possible litigation) of employment disputes. For more information, see our website at www.eeoc.gov/mediate/index.html. *for children services*

You are required to notify EEOC of your response to mediation, by returning this form by the mediation date on the Notice of Charge to:

Deanna R. Jackson, ADR Mediator
 U.S. Equal Employment Opportunity Commission
 1240 East 9th Street, Suite 3001
 Cleveland, OH 44199
 Phone: (216) 522-7415 Fax: (216) 522-7389
deanna.jackson@eeoc.gov

☐

Check here to indicate your willingness to mediate. Upon receipt of this form, you will be contacted and advised as to whether the charge is eligible for mediation. If the charge is eligible for mediation, the response to the attached request for information is put on hold, pending the outcome of the mediation.

Propose 3 possible mediation dates during the next 6-8 weeks: _____, _____, _____

Name and title of attendee(s): _____

*Contact Person Name: _____ Title: _____

*Company Name: _____

*Street Address: _____

*City, State & Zip: _____

*Telephone: _____ Fax: _____

*E-mail: _____

☐

Check here to decline mediation. Please note the due date for submission of information as stated on the Notice of Charge. If you decline mediation and an extension of time is needed for the Position Statement and/or Request for Information; please fax your request to 216/522-7395. The Commission will contact you if your request is denied.

EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

NEW YORK CITY ADMINISTRATION FOR CHILDREN'S
SERVICES
150 Williams Street, 6th Floor
New York, NY 10038

PERSON FILING CHARGE

Delano E. Connolly

THIS PERSON (check one or both)



Claims To Be Aggrieved



Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

532-2014-01527

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:



Title VII of the Civil Rights Act (Title VII)



The Equal Pay Act (EPA)



The Americans with Disabilities Act (ADA)



The Age Discrimination in Employment Act (ADEA)



The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. ☒ No action is required by you at this time.
2. ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.
3. ☐ Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. ☐ Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. ☐ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to
- If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Connie Davis,
Supervisory Investigator

EEOC Representative

Telephone (216) 522-7652

Cleveland Field Office
EEOC, AJC Fed Bldg
1240 E 9th St, Ste 3001
Cleveland, OH 44199
Fax: (216) 522-7395

Enclosure(s). ☐ Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION



Race



Color



Sex



Religion



National Origin



Age



Disability



Retaliation



Genetic Information



Other

ISSUES: Assignment, Demotion, Discipline, Filing EEO Forms, Harassment, Classification, Terms/Conditions

DATE(S) (on or about): EARLIEST: 07-05-2012 LATEST: 05-14-2014 And Continuing

Date

May 22, 2014

Name / Title of Authorized Official

Jerry Davidson,
Federal Investigator

Signature



EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Delano Connolly
304 Bay 14th Street
Brooklyn, NY 11214

From: Cleveland Field Office
EEOC, AJC Fed Bldg
1240 E 9th St, Ste 3001
Cleveland, OH 44199

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2012-02571

Luisa Burgos,
Investigator

(216) 522-7400

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☒

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



OCT 28 2015

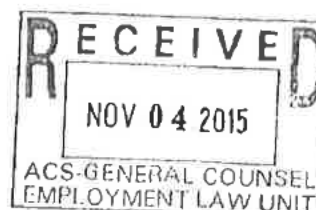
Enclosures(s)

Cheryl Mabry-Thomas, Director
Cleveland Field Office

(Date Mailed)

CC:

Timothy Pookiack, Esq.
, Employment Law Unit
NYC ADMINISTRATION FOR CHILDREN'S SERVICES
150 Williams Street, 6th Floor
New York, NY 10038



Enclosure with EEOC
Form 161-B (11/09)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 181 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Delano E. Connolly**
304 Bay 14th Street
Brooklyn, NY 11214

From: **Cleveland Field Office**
EEOC, AJC Federal District Court
1240 E 9th St, Ste 500
Cleveland, OH 44199

NOV 09 2015

EEOC-GLERAL COUNSEL
EMPLOYMENT LAW UNIT

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

532-2014-01527

Luisa Burgos,
Investigator

(216) 522-7400**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



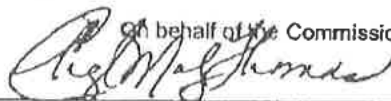
Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission


Cheryl Mabry-Thomas, Director
Cleveland Field Office

OCT 30 2015

(Date Mailed)

Enclosures(s)

cc: **Timothy Poodiack, Esq.**
NEW YORK CITY ADMINISTRATION FOR
CHILDREN'S SERVICES
110 Williams Street, 20th Floor
New York, NY 10038

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

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provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

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